

## **IC 20-23-2**

### **Chapter 2. County Superintendent of Schools**

#### **IC 20-23-2-1**

##### **Elections; oath; bond; tie vote**

Sec. 1. (a) The township trustees of each county shall meet at the office of the county auditor on the first Monday in June, 2005, at 10 a.m., and every four (4) years thereafter and elect by ballot a county superintendent for the county. The county superintendent elected by the township trustees shall enter upon the duties of the office on August 16 following and, unless sooner removed, holds the office until a successor is elected and qualified.

(b) Before entering upon the duties of the office, the county superintendent elected under subsection (a) shall:

- (1) subscribe and take an oath to perform faithfully the county superintendent's duties according to law; and
- (2) file the oath with the county auditor.

(c) The county superintendent shall execute, in the manner prescribed by IC 5-4-1, a bond conditioned upon the faithful discharge of the superintendent's duties.

(d) The county auditor shall report the name and address of the person elected under subsection (a) to the state superintendent.

(e) If a vacancy occurs in the office of county superintendent, the township trustees of the county, on at least three (3) days notice given by the county auditor, shall assemble at 10 a.m., on the day designated in the notice, at the office of the auditor, and fill the vacancy by ballot for the unexpired term.

(f) In all elections of a county superintendent, the county auditor is the clerk of the election. In case of a tie vote, the auditor shall cast the deciding vote. If one (1) candidate receives a number of votes equal to one-half (1/2) of all the trustees of the county, the county auditor shall then and at all subsequent ballots cast the auditor's vote with the trustees until a candidate receives a majority of all the votes in the county, including the county auditor. The county auditor shall keep a record of the election in a book kept for that purpose.

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-2-2**

##### **Vacancies in office**

Sec. 2. If there is an election of a county superintendent under section 1(a) of this chapter and the person elected dies or fails, refuses, or neglects to assume the duties of the office on or before August 16 of the year of the election, the township trustees shall:

- (1) as soon as possible declare a vacancy in the office of county superintendent; and
- (2) immediately hold another election to elect a county superintendent under section 1(a) of this chapter.

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-2-3**

**Impeachment; grounds; procedures**

Sec. 3. (a) A county superintendent may be impeached for immorality, incompetency, or general neglect of duty, or for acting as agent for the sale of any textbook, school furniture, maps, charts, or other school supplies.

(b) Impeachment proceedings are governed by the provisions of law for impeaching county officers.

*As added by P.L.1-2005, SEC.7.*

**IC 20-23-2-4****Duties of county superintendent**

Sec. 4. (a) The county superintendent has the general superintendence of the schools of the superintendent's county. The county superintendent shall do the following:

(1) Attend each township school at least one (1) time during each school year, and otherwise as often as possible.

(2) Preside over and conduct each school's exercises.

(3) Visit schools while the schools are in session to increase the schools' usefulness and elevate, as far as practicable, the poorer schools to the standard of the best.

(4) Conduct teachers' institutes and encourage other like associations.

(5) Labor, in every practicable way, to elevate the standard of teaching and to improve the condition of the schools of the superintendent's county.

(b) This subsection does not apply to a dispute concerning:

(1) the legality of school meetings;

(2) the establishment of schools;

(3) the location, building, repair, or removal of school buildings;

(4) the transfer of individuals for school purposes; or

(5) the resignation or dismissal of teachers.

In all controversies of a general nature arising under the school law, the decision of the county superintendent must first be obtained. An appeal may be taken from the county superintendent's decision to the state superintendent on a written statement of facts, certified by the county superintendent.

(c) This chapter may not be construed to change or abridge the jurisdiction of any court in cases arising under the school laws of Indiana. The right of any person to bring suit in any court, in any case arising under the school laws, is not abridged by this chapter.

(d) The county superintendent:

(1) shall carry out the orders and instructions of the state board and the state superintendent; and

(2) constitutes the medium between the state superintendent and subordinate school officers and the schools.

*As added by P.L.1-2005, SEC.7.*

**IC 20-23-2-5****Exemption of city schools from superintendent's authority**

Sec. 5. City schools that have appointed superintendents are exempt from general superintendence under this chapter upon a written request of the school board of the city.

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-2-6**

##### **Office and supplies; compensation**

Sec. 6. The board of county commissioners shall:

- (1) provide and furnish an office for the county superintendent; and
- (2) allow and pay all costs incurred by the county superintendent for postage, stationery, and records in carrying out this chapter, upon satisfactory proof of the costs incurred submitted by the county superintendent.

The county superintendent shall be paid for the county superintendent's services the sum of four dollars (\$4) per day.

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-2-7**

##### **Eligibility for office**

Sec. 7. (a) A person may not hold the office of county superintendent unless the person:

- (1) has at least five (5) years successful experience as a teacher in the public schools; and
- (2) holds, at the time of the person's election, a first or second grade superintendent's license.

(b) This chapter does not:

- (1) apply to; or
- (2) disqualify;

an incumbent of the office of county superintendent.

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-2-8**

##### **Traveling expenses**

Sec. 8. (a) The county superintendent of schools is entitled to receive as actual traveling expenses in discharging the duties of the superintendent's office a sum of not more than three hundred dollars (\$300) per year.

(b) The county council may annually appropriate an amount sufficient to pay the expenses described in subsection (a).

(c) The board of county commissioners shall allow an amount appropriated under subsection (b) by a county council.

*As added by P.L.1-2005, SEC.7.*